

REMARKS

Claims 1-8 are presently pending in the application. Claims 1-8 were rejected under 35 U.S.C. 102(b) as being unpatentable over WO 03/13115 ("Yip"). It is submitted that the Examiner has not presented a prima facie case of anticipation for at least the following reasons.

Independent claim 1 was amended to more distinctly define the present invention. More specifically, it is made clear that the second telephony service is a cable communications system. There is no teaching, suggestion, or mention in Yip that the second telephony service is a cable communications system. Yip's discussions refer only to the conventional telephone service providers and do not address the concerns and methods known to cable communications systems. To name a couple differences, cable communications systems provide both telephony and cable television signals. Therefore, the terminal of the present invention must be able to receive and process both signals, whereas the NID of Yip only receives telephony signals and is incapable of receiving or processing cable television signals. Additionally, the terminal of the present invention is coupled to the cable communications systems by coaxial cable not the telephony services tip and ring communication lines.

Dependent claim 3 was amended to include the control software and management information base. The management information base receives a command message from the control software, which received a control signal from the second telephony provider, and in turn controls the remote switching means. Yip does not discuss or imply control software that provides a command message to a management information base for controlling the remote switching means.

Dependent claim 5 includes a tuner for receiving command signals and other information from the second cable communications provider. Subsequently, the tuner tunes to the predetermined frequency and receives a command signal transmitted from the second cable communications provider. Yip does not discuss or imply utilizing a tuner to receive command signals from the second telephony provider.

Dependent claim 6 is directed towards requesting a status of the management information base. The management information base includes a value that indicates whether the terminal is receiving telephony signals from either the first or the second telephony provider. Yip does not discuss or imply a management information base and therefore requesting status of the management information base.

Claim 8 was canceled.

It is believed, therefore, that claims 1-7, as amended, are patentable over the cited art. Reconsideration and reexamination of the present application is requested in view of the foregoing amendments and in view of the remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the non-final Office Action dated January 4, 2007. Claims 1-7 will be pending in the present application upon entry of the present amendment, with claim 1 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 1 independent claim. Because Applicant has paid herewith for 20 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

SEND CORRESPONDENCE TO:

Scientific-Atlanta, Inc.
Intellectual Property Dept. MS 4.3.510
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

By: 

WM. BROOK LAFFERTY
Attorney of Record
Reg. No. 39,259
Phone: (770) 236-2114
Fax No.: (770) 236-4806